IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36386 of 2008
NASIB RAI … … Petitioner
Versus

THE STATE OF BIHAR … … Opp. Party
- - - -

2. 29.9.2008 Heard.

Initially the case in the F.I.R. was that the petitioner and two other persons, namely, Vinay Rai and Anjay Rai, fired shots from their pistols and killed Shankar Rai. The informant is not the eye witness and he claimed learning of the incident from Upendra Rai, Wokil Rai and Rakesh Rai, as such, the contents of the F.I.R. could be the statements of the above noted three persons. In his further statement the informant claims the same thing learning from the above noted persons but introduced the name of the present petitioner also as a person who had fired.

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The contention is that if the petitioner was learning the name of the petitioner from the above noted persons, there was no occasion for him to omit the name of the petitioner being included in the F.I.R.

Let the above named petitioner be directed to be released from custody on his

furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, in Maner P.S.Case No. 11 of 2008.

(Dharnidhar Jha, J.)

Kanth

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